

1                                   **BEFORE THE WESTERN WASHINGTON GROWTH**  
2                                   **MANAGEMENT HEARINGS BOARD**

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4           MICHAEL T. VINATIERI, EDWARD G. SMETHERS,  
5           and KAREN KNUTSEN, et al,

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7                                   Petitioners,

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9                                   v.

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11           LEWIS COUNTY,

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14                                   Respondent.

**No. 03-2-0020c**

**COMPLIANCE**  
**ORDER - 2005**

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17   THIS Matter comes before the Board for a determination of compliance in response to the Board's  
18   finding of non-compliance with the GMA based on the County's "failure to include a public  
19   participation process in adopting a master planned location for an industrial land bank in County  
20   Ordinance 1179B, Section 2 and LCC 17.20.015." Final Decision and Order, May 6, 2004. The  
21   County adopted Ordinance 1179G on May 10, 2004 and Resolutions 04-251 and 04-252 on July 12,  
22   2004. The Petitioners appealed Ordinance 1179G and Resolutions 04-251 and 04-252 in *Roth et al.*  
23   *v. Lewis County and Cardinal FG Company*, WWGMHB Case No. 04-2-0014c. It was originally  
24   contemplated that the *Roth* case would be consolidated with this case. However, the two cases  
25   address different provisions of the GMA and were not, therefore, consolidated.  
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28   The County submitted its compliance report on October 8 2004. Lewis County's Compliance Report,  
29   October 8, 2004. Petitioners objected to a finding of compliance. Petitioners' Objections to Finding  
30   Compliance, October 5, 2004; Supplement to Petitioners' Objections to Finding Compliance, October  
31   21, 2004. A compliance hearing was held on October 29, 2004 in conjunction with the hearing on the  
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merits in the related case of *Roth et al. v. Lewis County and Cardinal FG Company*, WWGMHB Case No. 04-2-0014c.

### SYNOPSIS OF DECISION

Lewis County is one of the first counties in the state to utilize RCW 36.70A.365 and 36.70A.367 for the purpose of locating major industrial development outside designated urban growth areas.

Although we find that the County's procedures do not yet meet all the requirements of the GMA for such major industrial development, it appears clear that the County is working diligently with these statutes to accomplish the aims for which the Legislature created them. With the addition of opportunities for early and continuous public participation and consultation with the cities located in the county's boundaries to establish a procedure for reviewing the comprehensive plan amendment and development regulations needed to create locations for such major industrial activity, the County will have designed a process that allows it to consider applications to expand opportunities for economic development expeditiously.

In this case, we find that the County has not achieved compliance with RCW 36.70A.140 with respect to the public participation program it has adopted for considering the designation of master planned location(s) within an industrial land bank pursuant to RCW 36.70A.367. This decision is closely related to the decision in *Roth et al. v. Lewis County and Cardinal FG Company*, WWGMHB Case No. 04-2-0014c and incorporates much of the reasoning of the final decision and order of that case. However, it is the intention of the Board to address the compliance of Ordinance 1179G and Resolution 04-251<sup>1</sup> with RCW 36.70A.367 in this case; while the *Roth* case focused on compliance of those enactments with RCW 36.70A.365.

In *Roth*, we found that the public participation procedures failed to comply with the GMA's requirements for "early and continuous" public participation as set forth in RCW 36.70A.140; that

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<sup>1</sup> Petitioners also challenge Resolution 04-252, but it merely adopts rules of procedure before the hearings examiner. Those rules apply to permitting and site plan decisions, rather than to adoption of comprehensive plan amendments and development regulations. These are not subject to the Board's jurisdiction. See *Roth et al. v. Lewis County and Cardinal FG Co.*, 04-2-0014c, Amended Order on Motions, December 21, 2004...

1 the County had failed to consult with the cities in establishing in procedure for reviewing applications  
2 for major industrial developments pursuant to RCW 36.70A.365. (Final Decision and Order,  
3 December 9, 2004). The *Roth* decision referenced the challenges to compliance with RCW  
4 36.70A.367 but focused on the challenges to compliance with RCW 36.70A.365 (major industrial  
5 developments).  
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8 In this case, therefore, the Board addresses the challenges to the public participation procedures  
9 applicable to designation of a bank of master planned locations for industrial activity outside urban  
10 growth areas, and the claimed failure to consult with the cities in establishing a process for  
11 designating a bank of master planned location for major industrial activity outside urban growth  
12 areas, pursuant to RCW 36.70A.367. Following the same reasoning applicable to public participation  
13 requirements for major industrial developments pursuant to RCW 36.70A.365 as was outlined in the  
14 *Roth* decision, we find that the public participation procedures for the comprehensive plan  
15 amendment and development regulations required for a major industrial land bank pursuant to RCW  
16 36.70A.367 are also insufficient. We do not reach the challenges to the public participation  
17 procedures used to adopt Ordinance 1179G and Resolution 04-251 and 04-252, because we have  
18 already directed the County to revisit Ordinance 1179G and Resolution 04-251 on public  
19 participation grounds...  
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23 We also find that the County failed to consult with the cities as required by RCW 36.70A.367 in  
24 establishing its process for designating an industrial land bank. Because of the potential for a  
25 manufacturing or industrial business permit application to vest under these non-compliant  
26 procedures, we find that the continued validity of Ordinance 1179G and Resolution 04-251, as to  
27 RCW 36.70A.367, substantially interfere with the County's fulfillment of Goal 11 (public  
28 participation and community coordination) of the GMA. However, the Board's order anticipates a  
29 relatively fast County response (ninety days) so that the period of invalidity should be relatively brief.  
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## PROCEDURAL HISTORY

Ordinance 1179B, Section 2, and Lewis County Code 17.20.015 were found to be out of compliance with the public participation requirements of the GMA by this Board in its Final Decision and Order in this case number, dated May 6, 2004. Conclusion of Law F states:

County Ordinance 1179B, Section 2 and LCC 17.20.015 is not in compliance with the Growth Management Act (Ch. 36.70A RCW) due to failure to include a public participation process in adopting a master planned location for an industrial land bank.

At the time of the original board decision in this case, the County anticipated that it would amend its code to provide that the public participation program for siting major industrial developments outside urban growth areas (RCW 36.70A.365) and for designating a bank of no more than two master planned locations for major industrial activity outside urban growth areas (RCW 36.70A.367) would be the same as the County's existing public participation program for comprehensive plan amendments generally (Ch. 17.15 LCC). However, the County elected not to pursue this course and has instead adopted Ordinance 1179G, explicitly removing proposed amendments to the comprehensive plan pursuant to RCW 36.70A.365 and RCW 36.70A.367 from the County's regular comprehensive plan amendment process.

Petitioners have objected to a finding of compliance in this case and also filed a Petition for Review concerning the same legislative enactments (Ordinance 1179G and Resolutions 04-252 and 04-252). (*Roth et al. v. Lewis County and Cardinal FG Company*, WWGMHB Case No. 04-2-0014c). The present case (*Vinatieri v. Lewis County*, WWGMHB Case No. 03-2-0020c), however, deals solely with the compliance of these enactments with RCW 36.70A.367 because the County's public participation program for establishing industrial land banks was the only issue for compliance in the original decision. It was the Board's intention to deal with the compliance of Ordinance 1179G and Resolutions 04-251 with RCW 36.70A.367 (industrial land banks), including both the new challenges raised in *Roth* (WWGMHB Case No. 04-2-0014c) and the compliance proceeding challenges raised in *Vinatieri* (WWGMHB Case No. 03-2-0020c) under this case number.

1 In *Roth*, we found that the public participation procedures failed to comply with the GMA's  
2 requirements for "early and continuous" public participation as set forth in RCW 36.70A.140; that  
3 the County had failed to consult with the cities in establishing in procedure for reviewing applications  
4 for major industrial developments pursuant to RCW 36.70A.365. (Final Decision and Order,  
5 December 9, 2004). The *Roth* decision referenced the challenges to compliance with RCW  
6 36.70A.367 but focused on the challenges to compliance with RCW 36.70A.365 (major industrial  
7 developments).  
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## 9 10 ISSUES PRESENTED

- 11 **I. Challenges to the process established for designating an industrial land bank for**  
12 **major industrial activity outside urban growth areas (RCW 36.70A.367):**
- 13     **a. Whether the amendment to Lewis County Code (LCC) 17.20.050 fails to comply**  
14 **with the requirement under RCW 36.70A.367 for consultation with the cities**  
15 **consistent with RCW 36.70A.210 for establishment of a process for reviewing and**  
16 **approving proposals for siting of specific major industrial developments or**  
17 **master planned major industrial locations outside of urban growth areas.**
- 18     **b. Whether LCC 17.20.050, as amended by Ordinance 1179G, and Resolutions 04-**  
19 **251 and 04-252 provides for a public participation program for the enactment of**  
20 **a bank of no more than two master planned locations for major industrial**  
21 **activity outside urban growth areas that complies with RCW 36.70A.140.**
- 22     **c. Whether the County's public participation program for the enactment of a bank**  
23 **of no more than two master planned locations for major industrial activity**  
24 **outside urban growth areas is consistent with the County's Public Participation**  
25 **Ordinance, Ch. 17.15(12) LCC.**
- 26     **d. Whether the County's failure to provide adequate public participation in the**  
27 **adoption of a bank of no more than two master planned locations for major**  
28 **industrial activity outside urban growth areas substantially interfere with Goal**  
29 **11 of the GMA (RCW 36.70A.020(11)).**
- 30 **II. Challenges to the procedural compliance with the GMA of the County's enactment**  
31 **of Ordinance 1179G and Resolutions 04-251 and 04-252:**
- 32     **a. Did the County fail to provide adequate notice of the consideration of the**  
      **ordinance and resolutions pursuant to RCW 36.70A.035.**

- b. Did the County fail to provide early and continuous opportunities for public participation in the enactment of the ordinance and resolutions as required by RCW 36.70A.140.**

## DISCUSSION

**I. Challenges to the process established for designating an industrial land bank for major industrial activity outside urban growth areas (RCW 36.70A.367)**

- a. Whether the amendment to Lewis County Code (LCC) 17.20.050 fails to comply with the requirement under RCW 36.70A.367 for consultation with the cities consistent with RCW 36.70A.210 for establishment of a process for reviewing and approving proposals for siting of specific major industrial developments or master planned major industrial locations outside of urban growth areas.**

We addressed this issue with respect to the challenge to compliance with RCW 36.70A.365 (major industrial developments) in the Final Decision and Order, *Roth et al. v. Lewis County and Cardinal FG Company*, WWGMHB Case No. 04-2-0014c (December 9, 2004). We incorporate the same reasoning here to find that consultation with the cities is required if a county elects to establish a process for designating a bank of master planned locations for major industrial activity outside urban growth areas pursuant to RCW 36.70A.367. *Ibid* at 4-6. The County failed to consult with the cities and on this basis Ordinance 1179G and Resolution 04-251 and 04-252 fail to comply with RCW 36.70A.367.

**Conclusion:** The County failed to consult with the cities as required by RCW 36.70A.367 and, as a consequence, Ordinance 1179G and Resolution 04-251 fail to comply with the GMA.

- b. Whether LCC 17.20.050, as amended by Ordinance 1179G, and Resolutions 04-251 and 04-252 provides for a public participation program for the enactment of a bank of no more than two master planned locations for major industrial activity outside urban growth areas that complies with RCW 36.70A.020(11), .035, .070, .106, .130 and .140.**

Petitioners argue that Ordinance 1179G and Resolutions 04-251 and 04-252 fail to comply with both the GMA and the Board's order on compliance in this case by failing to establish a public participation program that complies with GMA requirements. Petitioners' Objections to Finding

1 Compliance at 2. The County responds that Ordinance 1179G creates only “procedural rules” which  
2 are not subject to the Board’s jurisdiction Lewis County’s Reply Brief on Compliance and Motion to  
3 Add Consolidated Case Exhibits, October 25, 2004.  
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5 The County does not dispute that Ordinance 1179G is a “GMA-driven legislative enactment,” but  
6 seeks to distinguish it on the basis that it is only procedural. Lewis County’s Reply Brief on  
7 Compliance and Motion to Add Consolidated Case Exhibits, October 25, 2004 at 5-6. However, as  
8 we said in *Roth*:  
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10           The boards have jurisdiction to hear appeals of comprehensive plans, development  
11           regulations, and amendments to them. RCW 36.70A.280 and 36.70A.290. Nothing  
12           in the statute distinguishes between procedural and other types of issues presented to  
13           the boards. In fact, public participation challenges are one of the most frequent kinds  
14           of questions which the boards consider and those would fairly be deemed procedural.  
15           *Roth et al. v. Lewis County and Cardinal FG Company*, WWGMHB Case No. 04-2-0014c  
16           (Order on Motions to Dismiss, September 10, 2004 – amended on other issues on  
17           December 21, 2004)

18 As a matter of the Board’s jurisdiction, the question is not whether the changes in code provisions are  
19 procedural in nature but whether they are changes to the comprehensive plan or development  
20 regulations. RCW 36.70A.280, 36.70A.290. Ordinance 1179G amends the County’s code to  
21 establish a process which provides for a comprehensive plan amendment and adoption of  
22 development regulations to implement it pursuant to RCW 36.70A.367. It must therefore comport  
23 with the public participation requirements of the GMA.  
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25 As we found in the *Roth* Final Decision and Order, the public participation provisions of Ordinance  
26 1179G (codified as LCC 17.15.050) do not meet the public participation requirements of RCW  
27 36.70A.140. Final Decision and Order, *Roth et al. v. Lewis County and Cardinal FG Company*,  
28 WWGMHB Case No. 04-2-0014c (December 9, 2004). We incorporate the reasoning regarding  
29 public participation in that decision here. *Ibid* at 9-13. Fundamentally, RCW 36.70A.140 requires  
30 early and continuous public participation and broad dissemination of proposals and alternatives;  
31 Ordinance 1179G fails to provide for public participation to meet these requirements and the notice  
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1 requirements of RCW 36.70A.035 which apply to opportunities for public participation as to  
2 comprehensive plan amendments and development regulations adopted pursuant to RCW 36.70A.367  
3 for industrial land banks. Such changes in the comprehensive plan and development regulations are  
4 very significant. The public's right to participate in those changes is very important to public  
5 confidence in and acceptance of them. The statute allows comprehensive plan amendments for major  
6 industrial locations to be considered at any time (rather than only on the annual comprehensive plan  
7 amendment cycle) but it does not suspend the application of the GMA public participation  
8 requirements to them...

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11 *Conclusion:* The public participation program applicable to master planned locations for major  
12 industrial activity within an industrial land bank pursuant to RCW 36.70A.367 does not comply with  
13 the GMA requirements of RCW 36.70A.140, 36.70A.035, 36.70A.130 and 36.70A.070 and GMA  
14 goal 11, RCW 36.70A.020(11).

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17 **c. Whether the County's public participation program for the enactment of a**  
18 **bank of no more than two master planned locations for major industrial activity**  
19 **outside urban growth areas is consistent with the County's Public Participation**  
20 **Ordinance, Ch. 17.12 LCC.**

21 Petitioners also challenge the failure of Ordinance 1179G to comply with the County's public  
22 participation program for comprehensive plan amendments and development regulations (Ch. 17.12  
23 LCC). Petitioners' Objections to Finding Compliance at 2. The County responds that it amended  
24 LCC 17.20.050 to provide that the County's public participation program for adoption of  
25 comprehensive plan amendments and development regulations does not apply to applications for  
26 industrial land banks. Lewis County's Reply Brief on Compliance and Motion to Add Consolidated  
27 Case Exhibits, October 25, 2004 at 8.

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30 The Petitioners challenge the consistency of Ordinance 1179G with the requirements of the County's  
31 public participation program in Ch. 17.12 LCC. The County's general public participation program  
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1 applies to “long-range planning issues, including changes to the County’s comprehensive plan or  
2 development regulations, in proceedings not involving a hearing examiner.” LCC 17.12.030. The  
3 County argues that the amendments in Ordinance 1179G apply to hearing examiner proceedings and  
4 are not, therefore, subject to Ch. 17.12 LCC. While it is true that the amendments in Ordinance  
5 1179G pertain to proceedings involving a hearing examiner, they also apply to adoption of the  
6 comprehensive plan amendment and development regulations for an industrial land bank under RCW  
7 36.70A.367. The provisions applicable to comprehensive plan amendment(s) and development  
8 regulations are not subject to the hearing examiner proceedings. Therefore, the comprehensive plan  
9 amendment and development regulations adopted for an industrial land bank pursuant to RCW  
10 36.70A.367 are subject to Ch.17.12 LCC. This creates an inconsistency between Ordinance 1179G  
11 and LCC 17.12.030 because LCC 17.12.030 provides that the public participation program in Ch.  
12 17.12 applies to all comprehensive plan amendments and development regulations while Ordinance  
13 1179G purports to exempt comprehensive plan amendments and development regulations needed for  
14 industrial land banks from that public participation program. This inconsistency fails to comply with  
15 RCW 36.70A.040 and 36.70A.070.  
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19 *Conclusion:* The inconsistency between Ordinance 1179G and LCC 17.12.030 fails to comply with  
20 RCW 36.70A.040 and 36.70A.070.  
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22 **d. Does the County’s failure to provide adequate public participation in the**  
23 **adoption of a bank of no more than two master planned locations for major**  
24 **industrial activity outside urban growth areas substantially interfere with Goal 11 of**  
25 **the GMA (RCW 36.70A.020(11)).**

26 Petitioners argue that Ordinance 1179G and Resolution 04-251 violate Goal 11 of the GMA, to  
27 “encourage the involvement of citizens in the planning process and ensure coordination between  
28 communities and jurisdictions to reconcile conflicts.” RCW 36.70A.020(11). Supplement to  
29 Petitioners’ Objections to Finding Compliance at 5. The Petitioners point to the failure to provide  
30 notice to cities and the failure to involve the public at the early stages of consideration of an industrial  
31 land bank as substantially interfering with the realization of the public participation goal. *Ibid.*  
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1 The County responds that the Petitioners are only arguing for their preference for a public  
2 participation program and no more. Lewis County's Reply Brief on Compliance and Motion to Add  
3 Consolidated Case Exhibits at 12.

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5 A test for imposition of invalidity adopted by this Board is whether the continued validity of the  
6 challenged and non-compliant enactment would interfere with proper planning in the future. In the  
7 *Roth* case, we found that the continued validity of Ordinance 1179G and Resolution 04-251 would  
8 not substantially interfere with proper planning, in part because the pending application for a major  
9 industrial development had already been accepted and approved by the County. Final Decision and  
10 Order, *Roth et al. v. Lewis County and Cardinal FG Company*, WWGMHB Case No. 04-2-0014c  
11 (December 9, 2004).

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14 The situation with respect to an industrial land bank pursuant to RCW 36.70A.367 is somewhat  
15 different. Once a master location within an industrial land bank is approved, approval of specific  
16 development permits requires no further comprehensive plan amendment, and manufacturing and  
17 industrial businesses may be located in the industrial land bank location. RCW 36.70A.367(5) and  
18 (6). There is, therefore, a real potential that permits could vest, even while the procedures are under  
19 revision. If they do vest, then a *de facto* industrial land bank will have been created, without meeting  
20 the GMA requirements for public participation. For this reason, we find that the continued validity of  
21 Ordinance 1179G and Resolution 04-251 substantially interferes with the County's fulfillment of  
22 Goal 11 of the GMA.

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25 *Conclusion:* The County's failure to provide adequate public participation in the adoption of a bank  
26 of no more than two master planned locations for major industrial activity outside urban growth areas  
27 substantially interferes with Goal 11 of the GMA (RCW 36.70A.020(11)).

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29 **III. Challenges to the procedural compliance with the GMA of the County's enactment**  
30 **of Ordinance 1179G and Resolutions 04-251 and 04-252**

1 Since we have found that Ordinance 1179G and Resolution 04-251 and 04-252 require County action  
2 to achieve compliance with the GMA, we do not reach the question of compliance with the GMA in  
3 the adoption of these enactments.  
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## 5 6 **FINDINGS OF FACT**

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- 8 1. Lewis County is a county located west of the crest of the Cascade Mountains that is required  
9 to plan pursuant to RCW 36.70A.040.
  - 10 2. This case is before the Board upon a finding of non-compliance of the County's process for  
11 designating an industrial land bank pursuant to RCW 36.70A.367, based on the Board's Final  
12 Decision and Order of May 6, 2004. It also addresses the challenges to Ordinance 1179G and  
13 Resolution 04-251 raised in *Roth et al. v. Lewis County and Cardinal FG Company*,  
14 WWGMHB 04-2-0014c insofar as those challenges also address compliance with RCW  
15 36.70A.367.
  - 16 3. The Petitioners were parties to this case in the original proceedings and filed a Petition for  
17 Review concerning Ordinance 1179G and Resolution 04-251 and 04-252 in *Roth et al. v.*  
18 *Lewis County and Cardinal FG Company*, WWGMHB 04-2-0014c. The Petitioners have  
19 participated in person or in writing in the legislative adoption proceedings in Lewis County  
20 with respect to the issues raised in the Petitions for Review.
  - 21 4. The countywide planning policies in Lewis County encourage economic development "within  
22 and without the UGAs."
  - 23 5. The County failed to consult with the cities in Lewis County in establishing a process for  
24 reviewing applications for major industrial developments, pursuant to RCW 36.70A.367.
  - 25 6. There must be a public participation program that meets the requirements of RCW  
26 36.70A.140 and 36.70A.035 for the comprehensive plan amendment(s) and development  
27 regulations required for approval of an industrial land bank for major industrial development  
28 pursuant to RCW 36.70A.367.
  - 29 7. The amendments to LCC 17.20.050 exempt amendments to the comprehensive plan and  
30 development regulations associated with the industrial land bank from the County's normal  
31 public participation procedures.
  - 32 8. The public participation procedures applicable to industrial land banks under LCC 17.20.050  
(as amended) provide for publication of a Notice of Application within 14 days of the date the  
County determines the application is complete, pursuant to RCW 36.70A.110. Notice of the  
complete application is followed by a 14-30 day public comment period, which may be  
combined with the County's SEPA process.
  9. Thereafter, the County determines whether an environmental impact statement ("EIS") must  
be prepared and, if so, follows the SEPA procedures for an EIS.

- 1 10. The proposed master plan is reviewed by the Hearing Examiner and follows the County  
2 procedure for a project review. The comprehensive plan amendment(s) and development  
3 regulations are reviewed by the Planning Commission.  
4 11. While an environmental impact statement may address the requirements for new  
5 infrastructure and its funding; traffic impacts; buffers between the new industrial area and  
6 adjacent non-urban areas; environmental protection; and mitigation of adverse impacts on  
7 natural resource lands and critical areas; as required for approval of a major industrial  
8 development, there is nothing in the County's ordinance requiring that it do so.  
9 12. The project application elements are addressed to the master site plan, not to the GMA  
10 concern of changing the land use designation for the proposed new urban growth area that the  
11 major industrial development would require.  
12 13. There is nothing in the ordinance advising the public of what steps the County must follow in  
13 reviewing and approving the comprehensive plan amendment(s) and development regulations  
14 needed for an industrial land bank for major industrial development nor is there any  
15 description of how the public may participate along the way.  
16 14. The requirement in RCW 36.70A.140 that the County establish a "public participation  
17 program that is broadly disseminated" is further evidence of a legislative intent to ensure that  
18 the public has full information on how to participate in planning policies and regulations,  
19 without requiring a specialized land use expertise to determine how to participate.  
20 15. There is nothing in the County's ordinance that mentions the inventory of developable land  
21 that the County is required to undertake under RCW 36.70A.367(2)(c) as part of its review  
22 and approval of an industrial land bank for major industrial development.  
23 16. The amendments also fail to make allowance for the public to be apprised of, participate in, or  
24 comment upon the required inventory of developable land.

## 25 FINDINGS OF FACT RELATED TO REQUEST FOR INVALIDITY

- 26 17. Upon designation of a land bank for major industrial development, manufacturing and  
27 industrial businesses may be located there without further comprehensive plan amendment.  
28 18. This would allow permits for such businesses to vest in the industrial land bank under the  
29 existing process even though the process is non-compliant with the GMA's requirements for  
30 consultation with the cities and public participation.  
31 19. Until the County amends its present LCC 17.20.050, the non-compliant process can still be  
32 utilized to designate an industrial land bank to which applications for manufacturing and  
industrial businesses could vest. This would essentially create a *de facto* industrial land bank  
whose impacts could not be undone.  
20. Such a *de facto* industrial land bank outside urban growth areas would substantially interfere  
with the GMA goals for community coordination and public participation (Goal 11) in a way  
that would significantly impair the ability of the County to correct its non-compliant process.

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## CONCLUSIONS OF LAW

1. This Board has jurisdiction over the subject matter and parties to this dispute.
2. The Petitioners have standing to challenge the issues raised in the Petitions for Review.
3. The County failed to consult with the cities of Lewis County in establishing the process for reviewing and approving applications for major industrial developments and therefore LCC 17.20.050 fails to comply with RCW 36.70A.367.
4. The amendments to LCC 17.20.050 fail to provide for early and continuous public participation as required by RCW 36.70A.140 and RCW 36.70A.035 and therefore fail to comply with the GMA.
5. As they apply to industrial land banks, Ordinance 1179G and Resolution 04-251 substantially interfere with GMA goal 11 (RCW 36.70A.020(11)) and are invalid.

## ORDER

The County shall bring Ordinance 1179G and Resolution 04-251, as they pertain to industrial land banks under RCW 36.70A.367, into compliance with the GMA. To allow coordination with the compliance schedule in *Roth et al. v. Lewis County and Cardinal FG Company*, WWGMHB 04-2-0014c, the County shall achieve compliance within 90 days of the date of this order. The following schedule shall apply:

Compliance due	April 4, 2005.
County's Report of Actions Taken Due	April 14, 2005.
Written Objections to a Finding of Compliance Due	April 25, 2005.
County's Response Brief Due	May 5, 2005.
Compliance Hearing (location to be determined)	May 10, 2005.

The remand period shall extend until the Board issues its order on compliance hearing.

1 This is a final order for purposes of appeal pursuant to RCW 36.70A.300(5) and for  
2 reconsideration pursuant to WAC 242-02-832.

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4 Entered this 7th day of January 2005.

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6 WESTERN WASHINGTON GROWTH MANAGEMENT HEARINGS BOARD  
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